

Appl. No. : 10/057,113  
Filed : January 25, 2002

### REMARKS

Claims 81-125 are pending and examined in this application. Claim 126 has been canceled as being a substantial duplicate of Claim 88.

#### Allowable subject matter

The Examiner indicated that Claims 81-93, 97-117 and 121-125 are allowable.

#### Discussion of Double Patenting

The Patent Office rejected claims 94-96 and 118-120 on the grounds of obviousness-type double patenting over claims 18-20 and 44-46 of USP 6,361,992. A terminal disclaimer would serve to satisfy the statutory function of removing the rejection of double patenting, without raising a presumption on the merits of the rejection. *Ortho Pharmaceutical Corp. v. Smith*, 22 USPQ2d 1119, 1123-24 (Fed. Cir. 1992). As it raises no presumption on the merits of the rejection, a terminal disclaimer is filed herewith to remove the obviousness-type double patenting rejection.

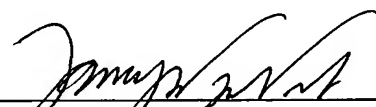
### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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